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SUBJECT: ENCOURAGING INTELLECTUAL PROPERTY RIGHTS IN BRUNEI

#### SUMMARY

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1.(SBU) In conjunction with Ambassador Todd and Embassy Brunei's program to promote Intellectual Property Rights (IPR) in Brunei, a workshop was recently held entitled "Promoting Your Innovation Through Intellectual Property". The workshop was led by representatives from Brunei's Attorney General Chambers (AGC) as well as the USPTO Regional AttachQ. The Brunei Economic Development Board (BEDB) served as the workshop host which was specifically targeted at Brunei's small and medium enterprises (SMEs) in the information technology (IT) sector. Attendees came from a wide range of companies as well as government and academia. The support of the BEDB as well Government of Brunei (GoB) and the academic community indicates a growing awareness of the need to improve Brunei's reputation and enforcement of Intellectual Property Rights (IPR). End Summary

#### PRESENTATIONS AND PRESPECTIVES

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12. (SBU) Brunei's Attorney General Chambers (AGC) highlighted the existing Bruneian legislation and guidelines on how to protect copyright, trademark, and industrial design. The subject of patents was also touched on despite the lack of a patent order and patent office in Brunei. USPTO representative, Jennie Ness, provided a comprehensive presentation of IPR Management Strategies for Small and Medium Enterprises (SMEs). Her presentation focused on the basics of IPR as well as the distinct challenges SMEs face in protecting their intellectual property.

14. (SBU) A wide range of questions were poised to the speakers. Ranging from copyright on blog and web content, to whether personal usage of pirated optical disks is considered a violation. However, the issue of patent and industrial design drew the most attention. Many believe new inventions and designs would not be adequately protected for the lack of a patent legislation and industrial design library and database. In response, Naimah Ali, representing the AGC, indicated that the complex technical nature of a patent system requires extensive review as well as collaboration with other patent agencies. She did state that an independent patent system and office could be functional by the year's end. Commenting on the lack of a design library, USPTO Representative Ness suggested that Brunei should seek cooperation with regional patent and design offices and agencies. She also stressed that Brunei is at a disadvantage in drawing Foreign Direct Investment (FDI), due to the perception of weak IPR protection in Brunei, with extremely high rate of optical media piracy being noted as major areas of concern.

#### LOCAL ENTREPRENEURS FACE SIGNIFICANT CHALLENGES

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15. (SBU) Three Bruneian entrepreneurs were invited to speak to share the IPR challenges they face. Fathan Anwar, an established local artist and music producer, noted the lack of copyright protection for local

artists. He indicated the establishment of a collective copyright management society, GoB support for more public awareness campaigns, and the implementation of tariffs and licenses for the use of local performances as much needed IPR improvements. He went on to disclose that a copyright collecting society is in the works and would be established within the year. Zaki Wahab, regulatory policy and legal representative for the local telecommunications company, DST, spoke on trademarks. He stressed the importance of trademarks as brand value. He supported the establishment of a Brunei copyright collective body as the local legal entity for royalties, stating that foreign registered copyright bodies do not have jurisdiction over Brunei (NOTE: Wahab was referring to Recording Industry Malaysia's (RIM's) confrontation with DST for royalties on songs played over DST's radio station. End Note.). Zupri Kamis, an independent inventor, recounted his difficulties in patenting his inventions overseas, and the lack of government support and funding for inventors who must patent abroad.

#### COMMENT

16. (SBU) The workshop received extensive media coverage, a necessary step in creating awareness of the importance of IPR for Brunei's economy. In his opening remarks, Dr. Zulkarnain Hanafi, Vice Chancellor of the Brunei University (UBD) disclosed that UBD intends to set up an Industry Liaison Office to encourage entrepreneurship and support development of academic research for commercialization. As many noted, the local entertainment industry will not be able to grow due to the lack of copyright enforcement. Some workshop attendees remarked that Brunei is losing credit for inventions and innovations that had to be patented and developed abroad. BEDB's support as well as UBD's is a critical element in increasing overall awareness and a tipping point for enhanced IPR protections and enforcement in Brunei. The support of USPTO and other US agencies are crucial in the Embassy's cooperative programs with the GoB and key IPR stakeholders. Patent offices, copyright societies, and additional IPR enforcement are all necessary steps to improving the status of IPR in Brunei, but to date, all are still in the development and planning stages.

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